

## **2009 HUMAN RIGHTS REPORT COMOROS**

The Union of the Comoros is a constitutional, multiparty republic of 732,000 citizens. The country consists of three islands--Grande Comore, Anjouan, and Moheli--and claims a fourth, Mayotte, which France governs. In May 2006 citizens elected Ahmed Abdallah Mohamed Sambi as Union president in polling that international observers described as generally free and fair. This was the first peaceful and democratic transfer of power in the country's history. On March 25, the Union Army of National Development, with African Union support, launched a successful and bloodless military action that resulted in the removal of former Anjouan president Mohamed Bacar, who fled the country. Bacar had ruled the island by force since declaring himself the winner of an illegal election in June 2007. On June 29, Moussa Toybou was elected president of Anjouan in a generally free and fair process. The civilian authorities in Grande Comore and Moheli, and in Anjouan after March 25, generally maintained effective control of the security forces.

The Union government generally respected the human rights of its citizens on the islands under its effective control--Grande Comore and Moheli, as well as Anjouan after March 25--although there were some areas of concern. Problems on all three islands included poor prison conditions; restrictions on freedom of movement, press, and religion; official corruption; discrimination against women; child abuse; and child labor.

Until March 25, Bacar's regime in Anjouan arbitrarily detained and imprisoned its critics and restricted freedom of movement and association.

### **RESPECT FOR HUMAN RIGHTS**

Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the Union government or its agents committed arbitrary or unlawful killings.

Civil society representatives in Anjouan reported that on March 7, Nadiati Soimaddine died from injuries inflicted during

torture a few days earlier by Mohamed Bacar's security agents. Soimaddine was accused of supporting Union president Sambi.

**b. Disappearance**

There were no reports of politically motivated disappearances; however, in Anjouan, prior to March 25, Mohamed Bacar detained more than 300 persons who opposed or criticized his regime, and many were held incommunicado.

**c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices, and there were no reports that government officials employed them on Grande Comore or Moheli; however, prior to March 25, regime gendarmes in Anjouan were responsible for rape, torture, illegal detention, and forced exile.

The Comoros Human Rights Foundation (FCDH) interviewed victims of the Bacar regime between April 7 and April 10 and was preparing evidence to prosecute members of the Bacar regime at year's end. Most cases involved the torture of detainees.

For example, on January 14, Bacar's security forces arrested Mohamed Attoumane for listening to a radio program from the national radio station. Attoumane was tortured and released the following day.

On February 7, Bacar's forces detained and tortured Soulaïmana Bacar and several unnamed friends. Soulaïmana Bacar, who suffered a broken foot and arm, was held incommunicado and transferred between unknown locations before his February 24 release.

On February 15, Bacar's forces arbitrarily detained and beat Attoumane Houmadi, whom they held until February 21, when his family paid for his release.

Some persons released during the year had been held for months by Bacar regime security forces. For example, Abdallah Ahmed Ben Ali, who was arbitrarily arrested in June 2007, was detained and tortured until his March 25 release.

**Prison and Detention Center Conditions**

Prison conditions remained poor. Common problems included improper sanitation, overcrowding, inadequate medical facilities, and poor diet. Authorities held pretrial detainees with convicted prisoners.

There were reports that prisons in Anjouan were filled to capacity and that detainees were being held in shipping containers prior to March 25. After order was restored in Anjouan, all political prisoners were released.

The government permitted visits by independent human rights observers. In an August visit, an international organization confirmed that the Union government met international standards in its detention in Grande Comore of officials from the Bacar regime.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions on Grande Comore and Moheli; however, during the year the Union government detained civilian and military officials of the Bacar regime on charges of crimes against the state.

Prior to March 25, the Bacar regime arbitrarily arrested hundreds of persons (see section 1.e.).

#### **Role of the Police and Security Apparatus**

Six separate security forces report to four different authorities. Union forces include the Army of National Development, the Gendarmes, and the National Directorate of Territorial Safety (immigration and customs). The previously separate Anjouan Gendarmes has been incorporated into the Union structure. Each of the three islands also has its own local police force under the authority of each island's ministry of interior.

There was continued corruption in the police force. Citizens paid bribes to evade customs regulations, avoid arrest, and falsify police reports. Police personnel paid bribes to receive promotions within the force. Impunity was a problem, and there was no mechanism to investigate police abuses. Union police took part in international training to become more professional.

#### **Arrest and Detention**

The law requires warrants for arrests and provides that detainees may be held for 24 hours, although these provisions were not always respected in practice. The prosecutor must approve continued detention. A tribunal informs detainees of their rights, including the right to legal representation. The law provides for the prompt judicial determination of the legality of detention and that detainees be promptly informed of the charges against them. In practice these rights were inconsistently respected. Some detainees did not get prompt access to attorneys or families. The law also requires the state to provide an attorney for indigent defendants, but this rarely occurred. There is a bail system under which the individual is not permitted to leave the country. Prior to the March 25 military action, incommunicado detention in Anjouan was a problem.

After March 25, the Union government detained approximately 50 civilian and military officials of the Bacar regime. All remained in detention at year's end.

Pretrial detention was a problem, with approximately 20 percent of the prison population awaiting trial for extended periods. By law pretrial detainees can be held for four months only, but this period could be renewed.

#### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected this provision in practice; however, judicial corruption was a problem. The head of state appoints magistrates by decree.

The seven-member Constitutional Court includes a member appointed by the president of the Union, a member appointed by each of the two Union vice presidents, a member appointed by each of the three island government presidents, and a member appointed by the president of the National Assembly. Minor disputes can be reviewed by the civilian court of first instance, but they were usually settled by village elders outside of the formal structure.

#### Trial Procedures

The law provides for the right to a fair trial for all citizens. Under the legal system, which incorporates French legal codes and Islamic Shari'a law, trials are mostly open to the public,

and defendants are presumed innocent. Juries deliberate criminal cases, and there is an appeal process. Defendants have the right to be present, to access government-held evidence, and to consult with an attorney. The law allows defendants to question witnesses and present their own witnesses. In practice these rights were inconsistently respected.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees on Grande Comore and Moheli; however, prior to March 25, the Bacar regime arbitrarily arrested and held hundreds of political detainees and prisoners, including 60 members of President Sambi's family and more than 300 journalists, intellectuals, politicians, teachers, and other persons suspected of disloyalty. Some of those detained were held incommunicado, and one detainee reportedly died from injuries inflicted during torture. After March 25, all prisoners confirmed to have been arbitrarily held by Bacar's regime were released.

#### Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters, but formal courts had insufficient resources and were corrupt. Administrative remedies were rarely available, although citizens with influence had access to such alternatives. Court orders were inconsistently enforced.

##### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the Union government partially limited press freedom. Until March 25, the Bacar regime on Anjouan also did not respect freedom of speech or press and detained and imprisoned the regime's critics. Journalists on all three islands practiced self-censorship.

Individuals could generally criticize the Union government publicly or privately without reprisal on Grande Comore and

Moheli, and on Anjouan after March 25. Before March 25, forces loyal to Mohamed Bacar detained hundreds in Anjouan for criticizing the regime (see section 1.e.).

There is a government-supported newspaper and four independent newspapers.

On January 15, Union security forces detained and questioned El-Had Said Omar, director of *La Gazette* newspaper, for five hours regarding *La Gazette's* publication of personal information about the nomination of a Union intelligence official. El-Had was released the same day.

No action was taken against Anjouan gendarmes involved in the May 2007 arrest and beating of four journalists or the June 2007 arrest and detention of radio reporter Elarifou Minihadji.

Unlike in the previous year, there were no reports that Union police seized newspapers or that journalists fled the country to avoid arbitrary arrest.

There is independent radio on Grande Comore and Moheli and, since March 25, on Anjouan; Mohamed Bacar did not allow independent radio. One government radio station operated on a regular schedule. Small community radio stations operated without government interference on Grande Comore and Moheli, as did Mayotte Radio and French television.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government did not always respect this right.

On March 27, police fired tear gas to disperse hundreds of violent demonstrators near the French embassy in Grande Comore. The demonstrators, who threw rocks and threatened French citizens and other foreigners, were protesting suspected French involvement in Bacar's departure from the country, a charge the government of France denied.

Until March 25, Bacar's forces on Anjouan regularly used force and intimidation to prohibit gatherings of those who criticized him.

#### Freedom of Association

The constitution and law provide for freedom of association, and the Union government generally respected this right.

Until March 25, security forces on Anjouan harassed and intimidated political opponents.

#### c. Freedom of Religion

The constitution provides for freedom of religion; however, the government restricted this right in practice. The constitution does not declare Islam the official religion but declares that the laws must draw inspiration from Islam. Proselytizing for any religion except Islam is illegal, and converts from Islam may be prosecuted under the law that prohibits proselytizing.

#### Societal Abuses and Discrimination

Comoran Christians, who constitute less than 1 percent of the population, continued to experience societal discrimination and intimidation. The law allows non-Muslims to practice their religion, but societal pressure effectively restricted the use of the country's three churches to noncitizens. Family and community members harassed those who joined non-Muslim faiths.

On April 20, unknown persons wrote obscene words on the outer wall of the Protestant Church of Moroni. Community leaders near the church publicly expressed disappointment, and on May 28, the Union National Assembly issued a statement calling for Union authorities to investigate the incident. No action had been taken by year's end.

Unlike in the previous year, there were no reports of attacks on Catholic charities.

There was no known Jewish population and no reports of anti-Semitic acts.

For a more detailed discussion, see the *2008 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country and foreign travel, and the government generally respected these rights in practice; however, travel restrictions were imposed on certain individuals as a result of the political unrest on Anjouan.

Until March 25, Mohamed Bacar continued to prevent political opponents from leaving Anjouan and denied entry to all Union government officials. After March 25, there were reports that government officials barred persons associated with Bacar from leaving until their involvement or complicity in the regime had been determined.

During the year the travel sanctions against Mohamed Bacar and 144 other individuals imposed by the African Union in October 2007 were withdrawn.

The law does not prohibit forced exile, but the government did not use it. However, on March 25, Mohamed Bacar and 21 loyalists and family members fled to Mayotte, from where they were transferred to Reunion. Bacar, who was denied asylum in France, accepted an offer of asylum from Benin, where he remained in exile at year's end. Bacar's loyalists remained in Reunion, according to press reports.

Internally Displaced Persons

Hundreds of Anjouan residents fled the island during Bacar's regime, but all had returned by year's end.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice the government provided some protection against the



expulsion or return of refugees to countries where their lives or freedom would be threatened.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and residents of Grande Comore and Moheli exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Residents in Anjouan also exercised this right in free and fair elections conducted after the March 25 military action that resulted in the removal of former island president Mohamed Bacar.

#### Elections and Political Participation

Anjouan held its first round of island president (governor) elections on June 15. With no clear winner, a second round run-off was held June 29 between Mohamed Djaanfari and Moussa Toybou. Toybou won with 52.4 percent of the vote in elections that international observers deemed generally free and fair.

The constitution provides for a "rotating" Union presidency in which each island takes a turn at holding a primary for presidential candidates. In 2006 the turn passed to Anjouan; all 12 presidential candidates had to be natives of Anjouan to run in the primary. From the 12, Anjouan voters selected three to run in the national election that Ahmed Abdallah Mohamed Sambi won. International observers considered the elections free and fair. The May 2006 inauguration of President Sambi was the first peaceful and democratic transfer of power in the country's history. The constitution thus restricts, by island, who can run for the presidency, but aside from the rotation principle, anyone is free to stand for election.

Grande Comore and Moheli held first- and second-round island president (governor) elections in June 2007; both elections were considered generally free and fair.

More than 20 political parties operated without restriction and openly criticized the Union government.

There was one woman in the 33-member National Assembly. There were no minorities in high-level offices.

#### Government Corruption and Transparency

Corruption was a serious problem. The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Resident diplomatic, UN, and humanitarian agency workers reported that petty corruption was commonplace at all levels of the civil service despite the government's 2006 launch of an anticorruption campaign. Private sector operators reported that corruption and lack of transparency were problems.

Unlike in previous years, the government did not prosecute or discipline officials charged with corruption. The Union Ministry of Justice is responsible for combating corruption.

Officials were not subject to financial disclosure laws.

There are no laws providing for public access to government information. Those who have personal or working relationships with government officials can generally access government information, but members of the general public cannot.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

One domestic and some international nongovernmental organizations (NGOs) generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The government cooperated with international governmental organizations and permitted visits by UN representatives or other organizations during the year.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, sex, disability, language, or social status; however, there was discrimination against women.

##### Women

Rape is illegal, punishable by imprisonment of five to 10 years or up to 15 years if the victim is younger than 15 years of age.

The government did not enforce the laws on rape effectively. The law does not specifically address spousal rape.

The law prohibits domestic violence, but the government did not take any action to combat violence against women. Although women can seek protection through the courts in such cases, extended family or village elders customarily addressed such problems.

Prostitution is illegal and was not openly practiced in public places, with the exception of a few hotels frequented by foreigners. Arrests for prostitution were rare.

Sexual harassment is illegal and punishable by up to 10 years' imprisonment. Although rarely reported due to societal pressure, such harassment was nevertheless a common problem.

The law provides for equality of persons, and in general, inheritance and property rights do not discriminate against women. Men retained the dominant role in society, although the matriarchal tradition afforded women some rights, especially in landholding. Societal discrimination against women was most apparent in rural areas where women had farming and child-rearing duties, with fewer opportunities for education and wage employment. In urban areas, growing numbers of women were employed and generally earned wages comparable to those of men engaged in similar work; however, few women held positions of responsibility in business. The law does not require women to wear head coverings, but many women faced societal pressure to do so.

### Children

The government did not take specific action to protect or promote children's welfare and did not enforce legal provisions that address the rights and welfare of children.

Education is compulsory until the age of 12, but not free. Teacher strikes over nonpayment of salaries interrupted school several times during the year. Boys generally had greater access to schools than girls.

Although there are no official statistics on child abuse, it was common and often occurred when impoverished families sent their children to work for wealthier families. A 2002 UN Children's Fund study found that child abuse, including sexual abuse, was widespread and often occurred at home. There also were reports that teachers raped students.

Child prostitution and child pornography are illegal. The law considers unmarried children under the age of 18 as minors, and they are protected legally from sexual exploitation, prostitution, and pornography. There were no statistics regarding these matters, but they were not considered serious problems.

#### Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

The State Department's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

There are no laws that mandate access to buildings for persons with disabilities or that prohibit discrimination in employment and public services.

The country's center for persons with disabilities on Grande Comore was run by an NGO. The center imported wheelchairs and prostheses.

#### Other Societal Abuses and Discrimination

There were no reports of discrimination against persons with HIV/AIDS. Homosexuals did not publicly discuss their sexual orientation due to societal pressure.

### Section 6 Worker Rights

#### a. The Right of Association

The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and many of those in the wage labor force did so in practice. Teachers, civil servants, taxi drivers, and dockworkers were unionized. The law allows unions to conduct their activities without government interference and provides for the right to strike, and workers exercised this right in practice.

There are no laws protecting strikers from retribution, but there were no reported instances of retribution.

The labor code, which was rarely enforced, does not include a system for resolving labor disputes.

b. The Right to Organize and Bargain Collectively

Unions have the right to bargain collectively, although employers set wages in the small private sector, and the government, especially the ministries of finance and labor, set them in the larger public sector.

The law does not prohibit antiunion discrimination by employers in hiring practices.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor by adults with certain exceptions for obligatory military service, community service, and accidents, fires, and disasters. The Union's civil protection unit may oblige persons to respond to disasters if it is unable to obtain sufficient voluntary assistance; however, this has never occurred. There are no specific prohibitions against forced or compulsory child labor, and it occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

Laws exist to protect children from exploitation in the workplace, but the government did not enforce such laws. The law defines 15 as the minimum age for employment. Children worked in subsistence farming, fishing, in the informal sector selling goods along roadsides, and extracting and selling marine sand. Some children worked under forced labor conditions, particularly in domestic service and agriculture. In addition, some Koranic schools arranged for poor students to receive lessons in exchange for labor, which sometimes was forced.

Some families placed their children in the homes of wealthier families where they worked in exchange for food, shelter, or educational opportunities. Many children were not paid for their work. The government's Ministry of Labor is responsible for enforcing child labor laws, but it did not actively do so.

e. Acceptable Conditions of Work

A ministerial decree set the minimum wage at 30,000 Comoran francs per month (\$83). Although national and local governments do not enforce a minimum wage, unions have adequate authority to negotiate de facto minimum wage rates for different skill levels. In practice unions enforce this de facto minimum wage via their ability to strike against employers. Despite strikes and other protests, the Union government was unable to pay government employees, including low-level officials, teachers, and medical workers, for several months due to budgetary difficulties.

The law specifies a workweek of 37 1/2 hours, one day off per week, and one month of paid vacation per year. According to the law, workers receive time and a half for overtime. There was no prohibition on excessive, compulsory overtime; however, shortages in electricity prevented overtime work of any kind in most businesses. These laws, like many others, were not enforced. Employers, particularly the government, were often remiss in paying salaries.

No safety or health standards have been established for work sites. Workers generally could not remove themselves from an unsafe or unhealthful situation without risking their employment.